



## Judicial Council of California . Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 25, 2011

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**Title**

Access to Visitation Grant Program: Funding Allocation for Fiscal Years 2011–2012 and 2012–2013

**Agenda Item Type**

Action Required

**Effective Date**

April 1, 2011

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

February 8, 2011

**Recommended by**

Family and Juvenile Law Advisory Committee

Hon. Kimberly J. Nystrom-Geist, Cochair

Hon. Dean Stout, Cochair

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## Executive Summary

Subject to the availability of federal funding, the Family and Juvenile Law Advisory Committee recommends the allocation and distribution of \$766,828 statewide for the Access to Visitation Grant Program for each of the fiscal years 2011–2012 and 2012–2013. The funding would be directed to 12 superior courts representing 20 counties and involving 19 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.<sup>1</sup>

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<sup>1</sup> See Attachment D: Family Code, section 3204

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 1, 2011:

1. Approve the funding allocation and distribution among the 12 selected superior courts of approximately \$766,828 per year for fiscal years 2011–2012 and 2012–2013, as set forth in Attachment A; and
2. Delegate authority to the Judicial Council’s Executive and Planning Committee to redistribute grant funds to the next highest ranked court if any selected court declines its grant funding allocation.<sup>2</sup>

## **Previous Council Action**

Family Code section 3204(a) requires the Judicial Council to apply annually for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the federal Personal Responsibility and Work Opportunity Recovery Act of 1996 (Pub.L. 104-193 (Aug. 22, 1996) 110 Stat. 2105). The federal Child Access and Visitation Grant is a formula grant program. Funding allocations to states are based on each state’s number of single-parent households.<sup>3</sup> California receives the maximum amount of eligible funds, approximately \$928,000. The Judicial Council is required to approve as many requests for funding proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program.<sup>4</sup>

For fiscal years 2003–2004 through 2009–2010, the Family and Juvenile Law Advisory Committee recommended that the Access to Visitation Grant request-for-proposals (RFP) process be open only to programs that were already receiving grant funds. Commencing with fiscal year 2010–2011, the committee recommended that the RFP process be opened to any California court. At its meeting on February 26, 2010, the Judicial Council approved the fiscal year 2010–2011 funding allocation and distribution of \$770,000 statewide to 12 superior courts for Access to Visitation programs. As a result of opening up the application process in fiscal year 2010–2011, one previously unfunded court was granted Access to Visitation funding and one previously funded court did not receive continued funding based upon the selection review process.

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<sup>2</sup> The federal Child and Access and Visitation Grant is not a rollover grant, so any unspent funds will revert back to the federal government. It is anticipated that each applicant court will receive a midyear reallocation questionnaire at the six-month funding period to evaluate the needs of the courts and subcontractors to determine whether courts will use their full grant award allocations.

<sup>3</sup> The statistical data (e.g., number of single-parent households) used to determine the formulaic distribution of funding to the states is based on U.S. Census data.

<sup>4</sup> Fam. Code, § 3204(b)(2).

The funding period for fiscal year 2010–2011 began on April 1, 2010, and ends on March 31, 2011. The federal funding allocation to the state of California for fiscal year 2010–2011 was \$942,497.<sup>5</sup> The funding cycle for fiscal year 2011–2012 will begin on April 1, 2011, and end on March 31, 2012. The funding cycle for fiscal year 2012–2013 will begin on April 1, 2012 and end on March 31, 2013.

## **Rationale for Recommendation**

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The need for access to visitation services is high. The existing funding levels cannot meet the current demand for services. As an inevitable result, some meritorious programs that apply for funding will not be funded. In order to assure that the selection and review process continues to support program goals, the Administrative Office of the Courts (AOC) has worked with the Family and Juvenile Law Advisory Committee to reassess the grant application and review process prior to each funding cycle.

For fiscal years 2003–2004 through 2009–2010, the Family and Juvenile Law Advisory Committee recommended that the Access to Visitation Grant RFP process be open only to programs that were already receiving grant funds (i.e., continuation programs). The rationale for this approach was to provide courts adequate time to successfully implement model programs, build program continuity, and develop sustainability planning. The assumption was that federal funding would eventually increase and additional courts could be funded.

In July and August 2010, AOC staff asked the advisory committee whether eligibility to participate in the current RFP should be open to all courts or only to those with continuation programs. The advisory committee recommended that, because federal funding is limited, the fiscal year 2011–2012 and 2012–2013 RFP should allow any court to apply for these beneficial resources. As a result, if these recommendations are approved, four courts not funded in the prior funding cycle (Superior Courts of San Francisco, Sacramento, Lassen and El Dorado Counties) will now receive funding, and four courts that had previously been funded (Superior Courts of Los Angeles, Shasta, Fresno, and Sonoma Counties) will not receive funding this fiscal cycle.

AOC staff also asked the advisory committee whether funding for fiscal years 2011–2012 and 2012–2013 should be limited to one year or whether multiyear funding should continue. Access to Visitation Grant funding in the past (i.e., fiscal years 2003–2005, 2005–2007, 2007–2009) has been multiyear funding. The advisory committee considered the issue and agreed to multiyear funding in order to streamline the grant allocation process and provide some funding stability for the selected courts.

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<sup>5</sup> The difference between the federal funding allocation of \$942,497 and the \$770,000 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection. Funds have been allocated for these statewide services since inception of the grant program in 1997.

## **RFP Grant Application for Fiscal Year 2011–2012 and 2012–2013**

On September 10, 2010, the AOC Center for Families, Children & the Courts (CFCC) released an open, competitive request-for-proposals (RFP) grant application for funding in fiscal years 2011–2012 and 2012–2013 for Access to Visitation–related services: supervised visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. In May 2010, AOC staff had sent a preliminary announcement by e-mail to statewide family court services directors, managers, and supervisors that an open RFP process would begin in September. Based on past and current administration of Access to Visitation Grant Programs, family court services directors and managers were identified as the court program administrators for the programs.

On release of the RFP grant application on September 10, 2010, AOC staff posted it on both the California Courts and Serranus websites. AOC staff also reposted the application on the weekly *Court News Update* until the RFP deadline date and sent a memorandum to all presiding judges, court executive officers, and family court services directors inviting their courts to review and respond to the application. The deadline for the RFP grant application for fiscal years 2011–2012 and 2012–2013 was November 15, 2010.

The CFCC received 18 grant applications from the superior courts, which represented 30 counties and involved 36 subcontractor agencies (i.e., local court community-based service providers that will provide the direct services on behalf of the court to families). See Attachment B for a list of RFP applicant courts. The total funding request from the RFP applicant courts was \$1,248,932.96, and the total available statewide funds are \$766,828 so the total request for funding exceeded available funds by \$482,104.96. The anticipated federal funding allocation for the state of California for fiscal years 2011–2012 and 2012–2013 is approximately \$928,087<sup>6</sup> per year.

- The 12 superior courts are recommended for funding at the amounts they requested, except any court that had unspent funds during the prior funding cycle had funding reduced by the approximate amount of unspent funds<sup>7</sup>

### **Grant award amounts**

California’s funding allocation formula, or funding cap, is based on county population size. The funding cap was adopted and approved by the Judicial Council in fiscal year 2003–2004 and is similar to the model used by the Judicial Council’s Court Appointed Special Advocates (CASA)

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<sup>6</sup> The difference between the federal funding allocation of \$928,087 and the \$766,828 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection.

<sup>7</sup> The RFP grant application stated that “courts would receive a reduction in grant award funding for fiscal year 2011–2012 and 2012–2013 that is equal to the amount of any unspent funds.”

grant program. The following are the maximum Access to Visitation grant amounts for which courts may apply:

- \$45,000 for counties or collaboratives in which the population is less than 250,000;
- \$60,000 for counties or collaboratives in which the population is more than 250,000 but less than 1 million; and
- \$100,000 for counties or collaboratives in which the population exceeds 1 million.

### **Review and selection process**

Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request-for-proposal process that complies with all state and federal requirements for receiving Access to Visitation Grant funds. Family Code section 3204(b)(2) provides that the grant funds shall be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria:

- Availability of services to a broad population of parties;
- Ability to expand existing services;
- Coordination with other community services;
- Hours of service delivery;
- Number of counties or regions participating;
- Overall cost-effectiveness; and
- Promotion and encouragement of healthy relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

To ensure a fair and unbiased selection process, the Family and Juvenile Law Advisory Committee approved the establishment of a selection review committee (SRC). The role of the SRC was to read, review, evaluate, and score the grant application proposals and generate an average score, rank, and recommendation for each proposal. Using this information, the AOC then develops funding recommendations and submits these recommendations to the Family and Juvenile Law Advisory Committee for review and submission to the Judicial Council for final determination.

A summary with specific details regarding the grant application review and selection process is attached to this report as Attachment C.

### **Comments, Alternatives Considered, and Policy Implications**

The Judicial Council is required to apply annually for federal Child Access and Visitation Grant funds and allocate funding to the superior courts for this federal grant program. Since the advent of this program, available funding has always been insufficient to meet the needs of courts and of parents struggling with access to visitation issues. Each funding cycle, the Judicial Council receives requests for funds that far exceed the amount available to award. Since the inception of the program in 1997, federal funding has remained at a relatively fixed level.

Given the funding limitations and the inability to satisfy the statewide demand for access to visitation services, a number of funding options are available and have been tried in the past.

1. Distribute funding among all applicant courts. The drawback to this approach is that no court received the full amount requested. Prior experience with this approach resulted in funding so limited that it did not cover basic operational costs of a viable program. Many of the programs funded under this approach closed before the end of the funding cycle.
2. Award continuation funding only to courts that had existing programs. The benefit of this approach was the establishment of stable programs in the selected courts. However, this alternative limits the ability of any court without an existing program to develop one.
3. Allow any court to apply for funding and have a selection review process that ranks the applicant courts and provides awards to those courts.

The committee decided, despite the existing funding constraints, to once again open the application process to any court to provide an opportunity for all courts to compete for the limited funds available.

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The existing funding levels cannot meet the current demand for services. As an inevitable result, some meritorious programs that apply for funding will not be funded.

### **Implementation Requirements, Costs, and Operational Impacts**

Historically and currently, a 20 percent nonfederal match has been required by the courts. This requirement has been fulfilled by an in-kind match that covers the courts' implementation costs, such as procuring service providers, processing and submitting program invoices, and data collection.

The AOC will execute contract agreements with the designated administering courts. The courts will then execute memoranda of understanding with their local service providers. Each court and service provider receiving funds is required to comply with all federal and state grant funding requirements. Grant recipients must also comply with all fiscal and administrative requirements as well as grant terms and conditions set forth by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

### **Attachments**

1. Attachment A: List of Superior Courts and Grant Award Amounts for Fiscal Years 2011–2012 and 2012–2013
2. Attachment B: Summary of RFP Grant Applicant Courts for Fiscal Years 2011–2012 and 2012–2013
3. Attachment C: Summary of RFP Grant Application Review and Selection Process for Fiscal Years 2011–2012 and 2012–2013
4. Attachment D: Family Code, section 3204

**ATTACHMENT A**

**Judicial Council of California  
Administrative Office of the Courts  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**List of Superior Courts and Grant Award Amounts  
for Fiscal Years 2011–2012 and 2012–2013**

<b>Superior Courts of California</b>	<b>Proposed Grant Funding Allocation</b>
Superior Court of Butte County	\$ 59,615
Superior Court of Contra Costa County	\$100,000
Superior Court of El Dorado County	\$ 45,000
Superior Court of Lassen County	\$ 29,564
Superior Court of Mendocino County	\$ 42,773
Superior Court of Napa County	\$ 59,741
Superior Court of Orange County	\$ 99,515
Superior Court of Sacramento	\$ 32,000
Superior Court of San Francisco County	\$ 100,000
Superior Court of Santa Clara County	\$ 97,398
Superior Court of Tulare County	\$ 60,000
Superior Court of Yuba County	\$ 41,222
<b>Total</b>	<b>\$766,828</b>

**Judicial Council of California  
Administrative Office of the Courts  
Center for Families, Children & the Courts**

**ATTACHMENT B**

**Summary of RFP Grant Applicant Courts for Fiscal Years 2011–2012 and 2012–2013**

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Region Service Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Review Score	Budget Request Amount	Final Grant Award Allocation
1	<b>San Francisco*</b>	SF, Marin	2	2	BA	x	x	x	x	198	100,000.00	100,000
2	<b>Mendocino</b>	Mendocino, Del Norte	2	2	BA	x	x	x		198	44,068.00	42,773
3	<b>Yuba</b>	Yuba, Sutter	2	1	NO	x				195	41,860.08	41,222
4	<b>Orange</b>	Orange	1	2	SO		x			194	100,000.00	99,515
5	<b>Sacramento*</b>	Sacramento	1	4	NO	x	x			193	32,000.00	32,000
6	<b>Butte</b>	Butte, Glenn	2	1	NO	x				190	60,000.00	59,615
7	<b>Lassen*</b>	Lassen	1	1	NO	x	x			188	29,563.24	29,564
8	<b>Contra Costa</b>	Contra Costa, Alameda	2	1	BA	x	x			186	100,000.00	100,000
9	<b>Tulare</b>	Tulare, Kings	2	1	NO	x				182	60,000.00	60,000
10	<b>El Dorado*</b>	El Dorado, Alpine	2	1	NO	x	x			179	45,000.00	45,000
11	<b>Santa Clara</b>	Santa Clara	1	1	BA	x				174	100,000.00	97,398
12	<b>Napa</b>	Napa, Solano	2	2	BA	x	x			173	59,740.64	59,741
	<b>Subtotal</b>		<b>20</b>	<b>19</b>							<b>\$772,231.96</b>	<b>\$766,828</b>
											(Remaining: \$5403.96)***	

1	<b>Los Angeles**</b>	Los Angeles	1	5	SO	x	x			172	100,000.00	0
2	<b>Shasta**</b>	Shasta, Tehama, Trinity	3	4	NO	x	x	x	x	169	60,000.00	0
3	<b>San Bernardino</b>	San Bernardino	1	3	SO	x	x			168	100,000.00	0
4	<b>Fresno**</b>	Fresno	1	2	NO	x	x	x		166	59,414.00	0
5	<b>Sonoma**</b>	Sonoma	1	2	BA	x	x	x		159	60,000.00	0
6	<b>Stanislaus</b>	Stanislaus, San Joaquin, Merced	3	1	NO	x				153	97,287.00	0
	<b>Total</b>		<b>30</b>	<b>36</b>							<b>\$1,248,932.96</b>	

\* These applicant courts will be newly funded under the Access to Visitation Grant Program.

\*\* These applicant courts will be defunded (i.e., existing funding will be canceled for fiscal years 2011–2012 and 2012–2013).

\*\*\*The \$5403.96 represent the reduction in funding to courts that left unspent funds during previous funding cycle. These funds will be held in reserve and distributed during the midyear reallocation process.



**Judicial Council of California  
Administrative Office of the Courts  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**Summary of Grant Review and Selection Process  
for Fiscal Years 2011–2012 and 2012–2013**

The Judicial Council’s Family and Juvenile Law Advisory Committee approved the establishment of a Selection Review Committee (SRC) for the Administrative Office of the Courts (AOC), Center for Families, Children & the Courts (CFCC) Access to Visitation Grant Program request-for-proposals (RFP) grant application process for fiscal years 2011–2012 and 2012–2013. The role of the SRC reviewers was to read, score, and make proposed funding allocation recommendations to the Judicial Council’s Family and Juvenile Law Advisory Committee, which would subsequently make recommendations to the Judicial Council Executive and Planning Committee. The Judicial Council makes final decisions regarding the amounts and number of grant awards.<sup>8</sup>

The RFP grant application selection criteria were based on evaluation criteria set forth in Family Code sections 3204(b)(1) and (b)(2)(A–G), state and federal grant requirements, and compliance with Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). The RFP grant application and review and selection process also sought to ensure that grant funds be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program.

AOC staff developed the RFP grant application based on the evaluation criteria set forth in Family Code sections 3204(b)(1) and (2) and state and federal grant reporting requirements. The RFP grant application was posted on the California Courts and Serranus websites. The deadline for the RFP grant application was November 15, 2010. AOC staff also conducted two applicants’ workshops (on September 22 and October 7, 2010) to assist courts with the grant application process.

SRC reviewers were experts representing members of the advisory committee, professional subject matter experts from the CFCC, and several community-based service providers with supervised visitation, domestic violence, and child abuse expertise. To assist SRC reviewers with

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<sup>8</sup> Fam. Code, § 3204(b)(2).

the grant application process, AOC staff conducted an SRC orientation teleconference prior to the review of any grant application proposals.

At least three SRC reviewers read and evaluated each grant proposal. The nine SRC reviewers were divided into three separate assigned groups based on the funding allocation cap (i.e., grant proposals that requested \$45,000, \$60,000, and \$100,000 funding). **SRC reviewers did not read or score any grant application proposals from their own courts or counties.** SRC reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on any proposal submitted by their own court or county agencies. The Access to Visitation Grant Program manager and program analyst did not score any grant applications.

Each reviewer had to read, evaluate, and score four to eight grant application proposals. SRC reviewers were responsible for completing a “draft” score on each proposal. These initial draft scores were to be used as a starting point when reviewers convened at the AOC on December 14, 2010. The primary purpose of the in-person SRC meeting was for individual groups to come together in their assigned subgroups to discuss and generate a “group consensus score” for each grant application proposal. For each proposal, each group was responsible for creating one final application reviewer rating sheet that detailed the group’s consensus score. In the afternoon, all SRC reviewers convened to review, confer, and make final funding recommendations.

The SRC used a three-tier screening system. All grant application proposals were evaluated and scored according to a system of points, with each criterion in the RFP proposal narrative section assigned a maximum point value. SRC reviewers used both a reviewer rating sheet, with clear, quantifiable measures for evaluation and scoring of the proposals, and a rating scale to tabulate the applicant’s response to each question. The grant application proposals were ranked strictly by score. This meant that each court’s application score determined its rank. The RFP grant application proposals were evaluated and scored on a scale of 0–195 points based on the following criteria:

- Grant program narrative (total of 195 points)
  1. Application cover page (15 points)
  2. Program abstract (25 points)
  3. Program description (total of 155 points)
    - Program service delivery (70 points)
    - Program implementation (40 points)
    - Program sustainability planning (20 points)
    - Budget (25 points)
    - Parent education form (0 points)
    - Group counseling form (0 points)

- Possible bonus points for multicourt or multiagency collaborations<sup>9</sup> (5 points)

Additionally, the RFP grant application stated that the SRC would evaluate each proposal based on the following values and principles:

- Overall responsiveness to each question;
- Efficient use of funds;
- Program services that reach the greatest number of families to be served;
- Programs with demonstrated history of sound fiscal management and administration;
- Evidence of strong court and community support and collaboration; and
- Programs that maximize grant resources for overall cost effectiveness.

While no points were awarded for these evaluative factors, grant decisions sought to ensure that the program goals represent statewide geographical diversity in service delivery, including population and court size.

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<sup>9</sup> *Multicourt collaboration* refers to a lead applicant court in collaboration with multiple county courts as partners. *Multiagency collaboration* refers to a single applicant court in collaboration with at least two or more local service providers as subcontractors to provide direct services on behalf of the court.

**Judicial Council of California  
Administrative Office of the Courts  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**California Family Code Section 3204**

3204. (a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure, that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

- (A) Availability of services to a broad population of parties.
- (B) The ability to expand existing services.
- (C) Coordination with other community services.
- (D) The hours of service delivery.
- (E) The number of counties or regions participating.
- (F) Overall cost effectiveness.
- (G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their

children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.